

A. GENERAL ELIGIBILITY CONDITIONS

Purpose: This section provides the general rules on how citizenship or alien status affects a person's eligibility for Temporary Assistance to Needy Families (TANF), federal Food Stamps, General Assistance, ADATSA, and medical benefits.

WAC 388-424-0005 Citizenship and alien status--General eligibility conditions.

- (1) To receive benefits for temporary assistance for needy families (TANF), Medicaid, and federal food stamps, persons must be:
 - (a) U.S. citizens;
 - (b) U.S. nationals; or
 - (c) Qualified aliens who meet the additional conditions described in WAC 388-424-0010 relative to TANF and Medicaid and WAC 388-424-0020 relative to federal food stamps.
- (2) Qualified aliens are aliens:
 - (a) Who are lawful permanent residents under the Immigration and Nationality Act (INA);
 - (b) Who are granted asylum under section 208 of the INA;
 - (c) Who are paroled into the U.S. under section 212(d)(5) of the INA for at least one year;
 - (d) Who are admitted to the U.S. as refugees under section 207 of the INA;
 - (e) Who are aliens whose deportation is being withheld under section 243(h) of the INA;
 - (f) Who are granted conditional entry into the U.S. under section 203(a)(7) of the INA as in effect prior to April 1, 1980;

(g)	Who are Cuban and Haitian entrants as defined in section (501)(e) of the Refugee Education Assistance Act of 1980; or
(h)	Who are victims of domestic violence, or whose children are victims of domestic violence, when: <ul style="list-style-type: none">(i) The domestic violence is committed in the U.S. by the alien's spouse, parent, or a member of the spouse or parent's family residing in the same household as the alien; and(ii) In situations where the children are the victims of domestic violence, the alien did not actively participate in the violence against his or her own children; and(iii) The alien no longer resides with the person who committed the domestic violence; and(iv) There is a substantial connection between the domestic violence and the need for public assistance benefits; and(v) The alien has an application with the Immigration and Naturalization Service (INS) either approved or pending for:<ul style="list-style-type: none">(A) Legal immigration status under sections 204(a)(1)(A)(iii)(I) and 204 (a)(1)(A)(iv) of the INA; or(B) Suspension of deportation or cancellation of removal under section 244(a)(3) of the INA.
(3)	To receive benefits under the general assistance and ADATSA programs, persons must be: <ul style="list-style-type: none">(a) U.S. citizens;(b) U.S. nationals;(c) Qualified aliens; or(d) Aliens permanently residing in the U.S. under color of law (PRUCOL).

- (4) Aliens are considered to be PRUCOL when they are permanently residing in the U.S., who do not meet the definition of a qualified alien as defined in subsection (2) of this section, and:
 - (a) The INS knows they are residing in the U.S., and
 - (b) The INS is not likely to enforce their departure.
- (5) During the application process, one of the following persons must indicate on the application for benefits whether each household member is a U.S. citizen or qualified alien:
 - (a) An adult applicant in the household; or
 - (b) The person applying for benefits when there are no adults in the household.

CLARIFYING INFORMATION

1. U.S. nationals are persons who are not citizens, but who owe permanent allegiance to the U.S. Examples of U.S. nationals include persons who are born in American Samoa or the Swains Islands.
2. There is not a specific definition for an alien who is considered to be permanently residing in the U.S. under color of law (PRUCOL) in immigration law as it is not a distinct immigration classification. Eligibility of PRUCOL aliens for public assistance benefits is based on decisions arising from case law. Examples of PRUCOL aliens include:
 - a. Persons who have applied for immigration benefits and whose departure the INS does not contemplate enforcing, such as applicants for asylum, applicants for withholding of deportation, applicants for adjustment of status, aliens granted voluntary departure for a definite time, aliens who have applied for status under the Violence Against Women Act, and relatives of a U.S. citizen with an approved I-130 petition;
 - b. Lawful temporary residents under the amnesty program of the Immigration

Reform and Control Act (IRCA);

- c. Aliens granted permission to remain in the U.S., including those granted indefinite voluntary departure, deferred action, suspension of deportation, cancellation of removal, order of supervision, Family Unity and deferred enforced departure;
- d. Persons paroled into the U.S. for a period of one year or less;
- e. Aliens residing in the U.S. since January 1, 1972; and
- f. Other aliens residing in the U.S. with INS knowledge and whose departure the INS does not contemplate enforcing.

WORKER RESPONSIBILITIES

- 1. Obtain proof of:
 - a. Citizenship, if questionable; or
 - b. Alien status, if one or more members of the household are aliens.

See **VERIFICATION** chapter for verification procedures.
- 2. Examples of documents which may be used to establish citizenship or alien status include:
 - a. Certified state, county or hospital birth certificates;
 - b. Documents from the INS;
 - c. Voter registration card;
 - d. Military discharge papers;
 - e. U.S. passport; and
 - f. Records of American Indian tribes or bands.

3. Appendix 1 describes INS documents which can be used to verify the alien status of persons applying for assistance.
4. When requesting information necessary to determine citizenship or alien status, be sensitive to the right of clients not to be discriminated against on the basis of race, color, or national origin. All similarly situated clients should be treated in the same manner. For example, while it is necessary to clarify questionable information to establish eligibility, clients should not be singled out for closer scrutiny simply because they look or sound foreign.

ACES PROCEDURES

Recording Citizenship / Alien Status

Citizenship / Alien Status is recorded on the (DEM2) screen for each individual in the Assistance Unit.

1. Go to the (DEM2) screen for the person being recorded. Enter the client's Citizenship Code on the (Citiz) field. Press <F1> for appropriate valid values.
2. Enter the means of verification used for the citizenship / alien status on the (V) field to the right of the (Citiz) field. Press <F1> for appropriate valid values.
3. Enter [Y] on (Qualified Alien) field if the client meets the definition of a "Qualified Alien", or is a citizen. If the client is not a qualified alien or a citizen, enter [N].

Completion of the (ALAS) Screen for Non-Citizens

The (ALAS) screen is where information regarding aliens and students is recorded. ACES will not allow entry of data relating to a client's alien status on this screen unless the (DEM2) screen is completed to show that the client is not a U.S. Citizen. Refer to **Recording Citizenship / Alien Status** above for instructions on the (DEM2) screen.

1. Go to the (ALAS) screen for the person being recorded. Enter the client's **current** INS status on the (INS Stat) field. Press <F1> for appropriate valid values.
2. Enter the means of verification used for INS status on the (V) field to the right of the (INS Stat) field. Press <F1> for appropriate valid values.

3. Enter the date that INS status was granted. This information is on the client's INS documents.
4. Enter [Y] or [N] to indicate whether or not the client's entry into the U.S. was sponsored by another person or agency on the (Spons Alien) field.
5. Enter the client's country of origin on the (Country of Origin) field. Press <F1> for appropriate valid values.
6. Enter the date client entered the U.S. on the (Entry Date) field.
7. Enter the client's original INS status on the (Initial INS Stat) field. Press <F1> for appropriate valid values.

Note: The Initial INS status and the INS status are not always the same. A client can enter the U.S. as a refugee, and later gain Permanent Resident Alien Status. The Initial INS status will always remain the same. The INS status varies as the client's situation with INS changes.

8. Enter the date of the client's original INS status on the (Initial INS Stat Dt) Field.
9. Enter the client's alien number on the (INS Number) field. The alien number will begin with "A".
10. Enter the client's Hmong, Laotian, or American Indian status on the (Other Fed Qual Stat) field. Press <F1> for appropriate valid values
11. If client is a Refugee, enter the name of the refugee resettlement agency.
12. Enter [Y] on the (Alien Wk Qtrs) field if the client qualifies for Food Stamp benefits with work quarters.
13. Enter the date of the 40th work quarter that client is using to meet Alien Work Quarter requirement for Food Stamp benefits on the (Qtr Met Date) field.
14. If the client is applying for Alien Emergency Medical and has a medical emergency as defined in **EMERGENCY ASSISTANCE**, Enter [Y] in the (Alien Med Emer) field.

Note: When Alien Emergency Medical is screened, ACES automatically enters the

date screened in the (Medically Indigent Medical Emer Date) field. This field can not be edited. If the date is incorrect, Deny the AU and screen with the correct date